

MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, April 3, 2003
7:00 p.m. - Council Chambers, City Hall

AGENDA


- I Roll Call
- II Public Hearing
 - 1. Sand Products Corporation - Special Use Permit (PUD)
- III Citizen Questions, Concerns and Consideration
- IV Approval of Minutes
 - Planning Commission Meeting (3/6/03)
- V New Business
 - 1. Sand Products Corporation - Special Use Permit (PUD)
 - 2.
- VI Unfinished Business
 - 1.
- VII Other Communications
 - 1.
- VIII Work/Study Session
 - 1. Zoning Ordinance Update
- IX. Adjournment

Speaking at Meetings:

Unless waived by the Commission for a specific meeting, any public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be appointed who may request that the Chairman approve more than the normal five (5) minutes. If necessary, a maximum of five (5) minutes will be allowed for the group to caucus to choose their spokesperson and develop their comments.

MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee 
Secretary, Community Development

DATE: March 28, 2003

RE: Planning Commission Meeting April 3, 2003

The Planning Commission Meeting will be at 7:00 p.m. on Thursday, April 3, 2003. We have one request on the agenda.

1. Sand Products Corporation/Man Made Lake Area - Planned Unit Development. A request for a Special Use Permit has been received from Sand Products Corporation. This request is for a Planned Unit Development that includes 15 residential lots. The request is for a two phase development. The south portion of Man Made Lake would be developed first and includes nine building sites. The north end of Man Made Lake would be phase two development and would include six building sites. A Public Hearing is scheduled with notification in the News Advocate and all parcels within 300 feet of the proposed development received notification by mail.

It time allows the Planning Commission will continue the discussion on how to proceed with updating the Zoning Ordinance.

If you are unable to attend the meeting please call the office (723-2558). See you at the meeting!

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P.02

Planning Commission

SPECIAL USE PERMIT APPLICATION

Sand Products Corporation

Applicant

660 Woodward Ave. Suite 1111

Address

Detroit, Mi. 48226

City, State, Zip Code

Phone Numbers (Work) Contact Ben Bifoss 231-722-6691

(Home) 231-723-5145

FOR OFFICE USE ONLY:

Case number 2003-02Date Receive 2-19-03Fee Received \$250.00Receipt Number 2344Hearing Date 3-6-03

Action Taken _____

Expiration Date of Permit _____

FEE FOR SPECIAL USE PERMIT \$250.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: To develop a residential Planned Unit Development including 15 single family home sites around the east and north ends of Manmade Lake in a area that would allow 21 units under the PUD provisions of the ordinance.

II. PROPERTY INFORMATION:

- A. Address of Property: No address assigned. Property on Monroe St., Dunes Dr., Pershing St.
Tax Roll Parcel Code Number: 51-51- 260-709-01, 711-01, 712-01, 300-01
- B. List all deed restrictions - cite Liber & Page where found and attach: Existing City Lease Agreement Liber 618, Page 768. Land will be developed as a "site condominium". Documents not yet prepared but will include substantial common areas including common waterfront access and ownership of undeveloped areas.
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. The City of Manistee asserts an interest in a platted but unimproved alley right of way that would be developed under the PUD. The applicant has offered 24 feet of frontage property (150% of the 16 feet of the alley frontage) on Manmade Lake just north of the City owned lot in exchange for any remaining City interest in that alley ROW.
- D. Zoning District: R-1, single family residential
- E. Present use of the property: vacant

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P. 03

- F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached). **Attached**
- G. Is a Property survey attached? **Yes.**
- H. Estimated completion date of construction (if applicable): **Infrastructure construction; 8/03**

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

- A. State specifically the reason for this Special Use Permit request at this time: **The Special Use Permit would allow a more orderly, better planned and higher quality development than strict compliance with the terms of the ordinance. The PUD would allow development to be more compatible with adjacent land uses and the environment and allow the transfer of 24 feet of Manmade lake frontage property to the City of Manistee.**
- B. Statement of support for the request. Please justify your request for a Special Use Permit below. The justification should address the following concerns: (Attach additional sheets if necessary)
1. The relationship of the Special Use Permit conditions (Article 86, Section 8610 and if applicable, Article 16) to the particular Special Use proposed. Do they pose any unusual problems for compliance? **No**
 2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee. **The proposed use is consistent with City and County planning documents.**
 3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
 - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood? **No, the development will enhance these values.**
 - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood? **No, the development will enhance public welfare by adding a high quality residential area, contribute to the tax base, and increase values of surrounding properties.**

IV. INFORMATION REQUIRED IN APPLICATION:

- A. An Application for Special Use shall include:
1. A detailed Site Plan, as spelled out in Section 9406 of this ordinance, a copy of which is attached.
 2. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8609 (as follows).

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P. 04

a. *Is the use reasonable and designed to protect the health, safety and welfare of the community,*
Yes, the use is identical to the permitted uses and consistent with local planning documents.

b. *Is the use consistent with the intent and purpose of the Land Use District,*
Yes, the use is low density, single family residential.

c. *Is the use compatible with adjacent land uses,*
Yes, adjacent land uses are medium and low-density single family residential.

d. *Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and*
Yes, all infrastructure will be constructed to City specifications at the developers expense.

e. *Does the use comply with all applicable regulations of this Ordinance.*
Yes, densities are below those authorized by ordinance.

f. *Does the use comply with all specific standards found in the respective Land Use District, Section 1601 et. seq., and Section 101 et. seq. of this Ordinance.*
As a PUD, some variations from the specific standards for individual lot sizes and dimensions in favor of common areas are included.

3. **Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc. See Site Plan**

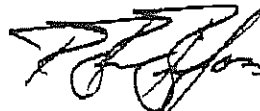
B. In Addition, the applicant may be required to furnish:

1. Elevations on all buildings, including accessory buildings.
No buildings included at this time, lot development only.
2. An Environmental assessment.
N/A
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
Soil Erosion Permits and possibly High Risk Erosion permits will be acquired before commencing infrastructure construction. No other permits required.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
Necessary permits will be acquired before construction. Any adverse impacts of infrastructure construction will be mitigated as appropriate and exist only during construction phase.

V. CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he is the owner's representative involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

Signature (s) of Applicant (s): Ben Bifoss
February 19, 2003



☐ By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

Supplemental Information; Manmade PUD Application

The PUD application includes 15 residential lots in an area that could accommodate 21 lots under the PUD area provisions of the ordinance. The property can accommodate the creation of 14 single family residential lots under the strict application of the R-1 zoning requirements, however some of those lots would be oddly configured to comply with the strict application of the ordinance and result in a lower quality development. The purpose of the application is to allow the creation of one more lot than allowed under the strict interpretation of the R-1 zoning (still 6 fewer lots than allowed under the PUD provisions), and to allow those lots to be laid out in a fashion that allows the highest and best use of the property.

The north end of Manmade Lake is considered Phase II development. It is included at this time to accommodate the transfer of 24 feet of lakefront property to the City to offset any loss of access that might be attributable to the development of the unimproved alley on the east side of Manmade (whose dedication has been withdrawn). The Phase II area can accommodate 6 residential lots without the Special Use Permit, however the proposed transfer of 24 feet of property to the City would impact that area to the point where only 5 lots could be developed under R-1 zoning requirements. In order to maintain the density of 6 lots and accommodate the 24-foot transfer, this area is included at this time.


Consistent with the Special Use Permit granted for later phased development with the Harbor Village Project, detailed layouts for Phase II would be developed as the market accepts the project. Conditions could include the following;

1. The maximum number of lots in Phase II shall not exceed six.
2. The maximum number of lots in Phase I will be as shown on the site plan.
3. All lots will be restricted to one single-family unit.
4. Each unit shall include not less than 1,400 square feet of building area; nor more than 2,500 square feet of building area on the first floor.
5. The minimum setbacks shall be:
 - a. Front yard: 30 feet from the Dunes Drive, Monroe St., Pershing St. and John St. rights of way; 10 feet from any new private drive or street.
 - b. Side yard: 10 feet.
 - c. Waterfront yard: 50 feet
6. The maximum building height shall be 30 feet.

Private streets within 66-foot rights of way and cul-de-sacs as necessary to accommodate future developments are required at the developers' expense. Plans consistent with the above would be submitted to the City for final approvals before commencing Phase II development.

Memorandum

TO: Members of the Planning Commission

FROM: Jon R. Rose 
Community Development Director

DATE: March 28, 2003

RE: Sand Products Corporation - Special Use Permit

A request has been received from Sand Products Corporation for a Special Use Permit for a Planned Unit Development. A Public Hearing has been scheduled for the April 3, 2003 Planning Commission Meeting to allow the public input regarding this request.

Due to the impact this project will have on the community I wanted to remind the Planning Commission that a decision does not need to be made at this meeting. This item can be tabled until the next meeting or a special meeting could be scheduled to continue review of this request in the event the Planning Commission feels it is necessary.

This PUD involves a currently platted alley. Approval of the PUD would indicate no objection by the Planning Commission to the vacation of the alley. However, approval could only be granted contingent upon the successful completion of vacation through court action.

The site plan for the PUD that was submitted by Sand Products shows the area available for building but not any building plans, building foot prints or driveways. Mr. Bifoss was not sure if they were going to develop/construct the buildings themselves or sell the lots for individual homeowners to build on. Harbor Village and Lighthouse Landings both constructed the units themselves and then sold them. The units were all similar in appearance and required approval from the Historic Overlay Review Committee. If the lots are sold before construction then the appearance might be similar to the development along Dunes Drive.

Curb Cuts were limited in the Harbor Village Development and Lighthouse Landings was developed with a single entrance drive. The Site Plan submitted does not indicate how many or what type of curb cuts will be included with this development. Other items worth considering include sidewalks, curb and gutter.


Building size issues: The R-1 zoning district has a minimum building area of 1300 square feet. The cottages average about 1325 square feet of living area on the first floor. This is less than the minimum proposed in this PUD. There has been a suggestion that the 30 foot height limit might be too restrictive. The height limitation for the cottages is 25 feet.

If you have any questions, please feel free to call me.

JRR:djb

MEMO

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development Director

DATE: April 1, 2003

RE: Public Hearing - Man Made Lake

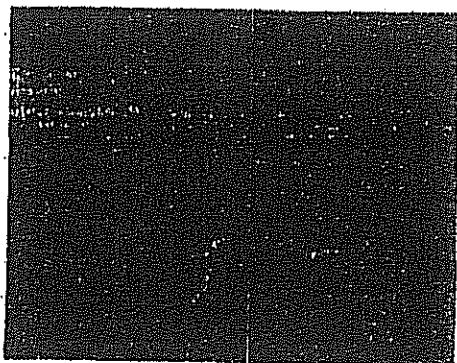
Members, the enclosed flyer is being distributed regarding the Public Hearing for Man-Made Lake. This flyer indicates that by enough opposition the proposed development by Sand Products Corporation can be stopped. We are anticipating a large turn out for the public hearing.

I want to clarify some of these statements.

1. Only City Council, not the Planning Commission, has the ability to buy or sell property on behalf of the City.
2. Under the Zoning Ordinance Sand Product Corporation can develop the property without approval by either City Council or the Planning Commission.
3. The Planning Commission has the responsibility of hearing requests that come before the Planning Commission. The Planning Commission roll is to make sure the development which is proposed is better for the community than the development which is possible without a special use PUD. In this instance the request is for a Planned Unit Development. This request must be heard. In the event that the Planning Commission has concerns or issues and needs additional time to review the request the request can be tabled. These are the only reasons that justify tabling a request.

This could be a difficult meeting and we want to give the opportunity for citizen input. All public comment at this hearing should be directed to the Chairman. Members of the Planning Commission should not discuss concerns or questions from the citizens in attendance during the Public Hearing. Public comment will be limited to the 5 minutes allowed under our by-laws. This is not a debate and people can speak only one time. Questions by Citizens for the representative from Sand Products Corporation will run through the Chairman.

We have enclosed a copy of Chapter 4 "Meeting the Public" from the Planning Commissioners Handbook. Please review this prior to the meeting. You may wish to also read Chapter 5 *Making Tough Decisions*.



HELP SAVE MAN-MADE LAKE!

Are you aware of two extremely important issues?

- the development of Man-Made Lake
- the future development of the dune area between Man-Made Lake and Lake Michigan

Your City Council is considering giving Sand Products, Inc. approval to develop Man-Made Lake as a Planned Unit Development of 15 single-family homes. The Lake Michigan dune on the west side of Man-Made Lake may also be developed in the future. If approved, these actions will significantly reduce your access to Man-Made Lake. No longer will you and your families be able to enjoy the lake as you have in the past. *A family tradition will disappear forever!*

The City previously declined to purchase this land from Sand Products.

A group of concerned citizens have received a promise of funding from a well-known private foundation to assist the City of Manistee in purchasing this property from Sand Products to preserve Man-Made Lake in its natural state for continued public recreation. There may be more grants available, but more time is needed to secure them. Ask your City Council to allow time for this plan to succeed.

If you care, you must let your city government know your concerns! It is very important that you attend the City Planning Commission meeting scheduled for **Thursday, April 3, 2003, at 7:00 p.m.** and the City Council meeting, scheduled for **Tuesday, April 15, 2003, at 7:30 p.m.** (both meetings will be held in the Manistee City Hall). If you cannot attend, at least **Voice Your Opinion!** We have a Jewel in our midst. **Don't give it away by not speaking out!**

Call your Councilwoman, Kathy Fenstermacher, at 723-3027

Call your City Manager, Mitch Delsch, at 723-2558

Call your Mayor, Richard Mack, at 723-6830

Calls may also be made to other members of the City Council. A complete listing is given below:

Council Member	District	Address	Phone
Neil Assanto	First	626 Ninth Street	231.723.1495
Kathy Fenstermacher	Second	302 Fourth Avenue	231.723.3027
Bob Hornkohl	Third	432 Cedar Street	231.723.6645
Robert Goodspeed	Fourth	301 Cypress Street	231.398.9501
William Shalos, Mayor Pro-Tem	Fifth	369 Second Street	231.723.4093
Richard Mack, Mayor	Sixth	376 Twelfth Street	231.723.6830
Alan W. Marshall	Seventh	914 Vine Street	231.723.6065

Chapter 4

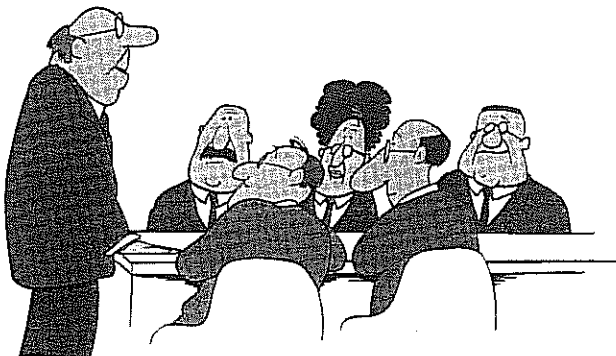
Meeting the Public

§29 Land use issues, as you will no doubt discover, can bring out strong emotions. Faced with a room full of angry and concerned people, you may find it difficult to maintain the decorum and professionalism needed. Although many planning commissions attempt to follow Robert's Rules of Order in their meetings, there are other more subtle aspects that are important to consider.

Being Fair

§30 The foremost concern of any planning commission should be to ensure fairness for all concerned. To ensure fairness, keep some simple things in mind:

1. Everyone must have the opportunity to speak and present evidence at public hearings. While some limitations may be placed on this right, as described later, no action should be taken that would unreasonably deprive a person of their right to be heard.



2. Recognize emotional responses and treat them with concern and understanding. Strong responses, within limits, should be expected and understood. Controlling your own emotions is essential, even if the comments get personal.
3. One of mankind's greatest fears is not death – it's public speaking. Make an effort to look beyond the mannerisms and nervousness to find the speaker's message.

§31 Dealing with Emotional Responses

1. Repeat the concerns you hear. "What I hear you saying is . . ."
2. State your concern. Restate the concern by noting your understanding and agreement.
3. Narrow the issue to the items that are at the root of the concern. Do this by a series of questions that will not embarrass the speaker, but will force them to confront the true issues.
4. Find out what you can do about the issues that surface, but be careful not to promise more than can be delivered.
5. Do not try to answer all questions when no answer will be acceptable.

4. *Regardless of how many people show up to oppose or support a project, you must represent the long-term interests of the entire community, not just those at the public hearing.*
5. **Listen.** Public meetings are your chance to take the pulse of the community and to learn more about the neighborhood in which a project is planned. Take advantage of the effort those attending the meeting have made and learn as much as you can.



Follow the Rules

§32 Playing fair means playing by the rules. Having an effective set of meeting rules helps provide a sense of professionalism as well as ensuring that meetings are orderly.

Rules do not need to be rigid. They occasionally need to be altered to take certain events into account.

Nor should they be too confining. Keeping a subtle balance between the degree of formality required, and the informality that is sometimes needed is a learned art.

Hearing rules should be made a part of the bylaws of the commission and printed on the back of the meeting agenda so that everyone is aware of them.

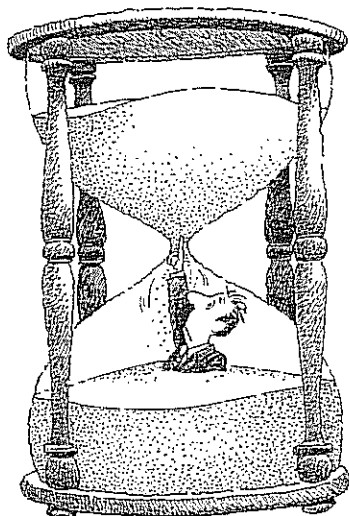
Rules for Speakers

§33 You will soon learn that people do not often come to a meeting in support of a particular project. Most people have concerns that they wish to address, while others are simply opposed to what is being proposed.

Having written meeting rules and procedures is especially valuable when there are many people who wish to speak. Without a few basic rules it would be easy for one or two people to dominate the meeting, thus depriving others of the chance to speak their mind.

1. **Direct all comments to the chairman.**
This rule can help avoid debates between members of the audience, between the presenter and the audience, and between the commission and the audience or presenter. Since zoning hearings can become emotional, following this policy is important to ensure that the chair controls the meeting.
2. **Limit speaking time, when necessary.** If there are many people who wish to speak, it is appropriate to limit the time of each speaker to 3-5 minutes, with the exception of the applicant. The applicant should be given as much time as needed, within reason, to present his or her case.

3. Limit the number of times one person may speak. Generally, each person needs to be given only a single opportunity to speak. At the discretion of the chairman, people may be allowed to speak a second time to respond to earlier comments. However, the chairman should emphasize that comments should not be repeated. Your rules may also require a sign-up sheet for those people wishing to speak, with the chairman recognizing only those who have signed up.
4. The chairman may also ask if there is a spokesperson for the audience, and ask that the spokesperson speak for the others present who agree with his/her point of view. The chairman should allow those for whom the spokesperson is speaking to be recognized, either through a show of hands or by standing. The spokesperson may be given additional time in recognition of his/her role.
5. After the public hearing is closed, it should remain closed. Further comments should not be accepted unless specifically requested by a commissioner.



Rules for Commissioners

634 As commissioners you should also agree to follow your own set of rules for how you present yourselves to the public.

1. All comments should be directed to the chairman. Just as the audience must be recognized by the chairman, so too should the commissioners. Not only does this show respect for the role of the chairman, it sets an example for the audience to follow.

2. All deliberations should be in the open. This goes beyond strict legal requirements. It is important that the audience view the commission as an open, fair and deliberative body.

Remember, people are generally suspicious of government. Don't add substance to that perception.

- ☞ Don't hold private conferences prior to the meeting.
- ☞ Don't meet in a group in a small room or other place outside the chamber in which your meeting is held.
- ☞ When arriving at the meeting, stay in the chamber.
- ☞ While socializing is acceptable, make sure that the audience doesn't get the wrong impression.
- ☞ Make all of your comments aloud during the deliberations. If you have a question, ask the applicant or the chairman, rather than your neighbor. Don't allow yourself to be caught up



In a private discussion with another commissioner. Make all of your comments loud enough so that everyone can hear.

3. **Express your opinions.** Don't just vote without letting everyone know why you are voting, whether for or against the issue. Your comments may help others to decide (or change their vote). It also lets the applicant and the audience know the strengths or weaknesses of the proposal.
4. **Do not attempt to always answer every question.** Some comments cannot be answered and may be asked just to express frustration.

When a question such as, "What will I do when the cars start running off the road and into my house?" is asked, calmly try to narrow the question down to specifics. Once you get a handle on the real problem, you may be able to suggest a solution.

5. **If things get out of hand, take a recess.** Long evenings and emotional topics can make for short tempers. A breather may be helpful.

6. **Do not feel compelled to make a hasty decision on the night of the hearing.** Everyone should feel comfortable with their vote — if not, obtain whatever additional information is needed before proceeding with the decision.

Keeper of the Gavel

§35 The chairman of the commission is entrusted with enforcing meeting rules. Having a strong chairman is important both to the operation of the commission and to public perception.

The role of the chairman is to maintain order throughout the meeting. The chairman should announce each agenda item and note the rules that apply to the hearing. During the meeting, the chairman should ensure that courtesy is maintained and that speakers are not interrupted.


Keeping Faith with the Public

§36 People tend to be naturally suspicious of governmental proceedings that may affect them. How many of your neighbors know a planning commission even exists? Be patient and understanding when addressing this suspicion. You will not always be able to satisfy their wishes. But, you can make sure that the public knows they have been heard and that you are acting responsibly.

Following rules of fairness, preparing for meetings, and making effective decisions can affirm the confidence placed in you by those who appointed you and those you serve.

MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee 

DATE: March 28, 2003

RE: Zoning Amendments

The members of the Ordinance Re-write Committee met on March 27, 2003 and discussed Parking in the C-4 Commercial District for residential units and Tattoo Parlors. Draft language has been developed for both of these items and are attached.

If time permits after the meeting on April 3, 2003 we will discuss these draft ordinances and make changes if necessary. This would allow us to notice a public hearing for the May meeting to amend the Zoning Ordinance.

If you have any questions, please call me.

:djb

Ordinance 03 - ____
AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO AMEND THE MANISTEE CITY ZONING ORDINANCE
ARTICLE 10: GENERAL REGULATIONS
SECTION 1054.F VEHICULAR PARKING SPACE, ACCESS AND LIGHTING

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 10: General Regulations, Section 1054.F Vehicular Parking Space, Access and Lighting amended as follows:

Vehicular Parking Space, Access and Lighting

- F. For all permitted and special uses in the C-4 Commercial District, except ~~second floor dwelling unit(s), dwelling, duplex, apartments,~~ Hotels and other Transient Lodging Places [70] consisting of six or more units, the parking provisions of this Section shall not apply. Because the City provides public parking and because the downtown area consists of small parcels, with *building* occupying most or all of the *parcel* and because of the historic character of most of the Downtown Business District there are not any parking requirements for those uses in the Downtown Business District which is included in the boundaries of the Tax Increment Financing Authority, within the area where a Downtown Development Authority is levying an ad valorem tax in real property, and/or within a special assessment district established for purposes of the Downtown Development Authority and/or to fund public parking
2. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments hereto, of the Manistee City in conflict with the provision of this ordinance are hereby repealed.
3. EFFECTIVE DATE: This Ordinance shall take effect on _____ upon publication in the Manistee News Advocate.

Richard Mack, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk

Dated

Ordinance 03 - ____
AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO AMEND THE MANISTEE CITY ZONING ORDINANCE
ARTICLE 5: DEFINITIONS
ARTICLE 10: GENERAL REGULATIONS
ADD SECTION 1065. TATTOO PARLORS

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 5: Definitions be amended by adding the following definitions:

TATTOO PARLOR means an establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

TATTOO, TATTOOED, TATTOOING means any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

2. That Article 10: General Regulations be amended by adding Section 1065. Tattoo Parlors as follows:

1065. Tattoo Parlors

- A. Purpose: It is recognized there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.
- B. A Tattoo Parlor, in addition to all other applicable standards and regulations of this Ordinance, shall:
 1. Be located in the _____ District.
 2. Not have frontage on highway U.S.-31.(???)
 3. Be located at least one thousand (1,000) feet from Educational Services [82]; Religious Organizations [866]; Sex-Oriented Businesses and other Tattoo Parlors.
- C. A Tattoo Parlor shall be conducted entirely within an enclosed *building*, so no activity can be seen from a road or from the *property line*.

2. **CONFLICTING ORDINANCES:** All other ordinances and parts of ordinances, or amendments hereto, of the Manistee City in conflict with the provision of this ordinance are hereby repealed.
3. **EFFECTIVE DATE:** This Ordinance shall take effect on _____ upon publication in the Manistee News Advocate.

Richard Mack, Mayor Dated

ATTEST:

Michelle Wright Dated
City Clerk